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CAPC
November 28/83Native Courtworker Programs in Canada: A Brief Overview

Scene: Pre-1963, Edmonton, Alberta - (John Joseph Twenty Toes, a young Native appears from the cells.) The following dialogue ensues:

Clerk: "Are you John Joseph Twenty Toes?"

Mr. Twenty Toes: (Silence)

Judge: "Are you John Joseph Twenty Toes?"

Mr. Twenty Toes: (Nod of head)

Clerk: "Sgt. R. Denton of the Edmonton Police Department is the informant. He has reasonable and probable grounds to believe, and does believe, that John Joseph Twenty Toes of 13496 - 107 Avenue, Edmonton, Alberta, that on or about the 9th day of November 1972 A.D. at the City of Edmonton in the Province of Alberta did unlawfully assault Robert Crew thereby committing common assault contrary to the Criminal Code. How do you plead?"

Mr. Twenty Toes: (Silence)

Judge: "How do you plead?"

Mr. Twenty Toes: (Nod of Head)

(The circumstances are read by the Prosecutor)

Judge: "Have you anything to say?"

Mr. Twenty Toes: (Shake of head)

Judge: "I sentence you to thirty days at the Fort Saskatchewan Correctional Institute."

This scene, with minor variations in characters and dialogue - or lack of it, has been repeated many times in many courtrooms across Canada.

Native people involved with the Legal System face a wide range of difficulties, including: lack of knowledge about the law, legal terminology, legal procedures, and Native rights; lack of self-esteem and a fear of authority, language problems; lack of money to hire lawyers or pay fines; lack of knowledge about where to get assistance; and conflicting expectations of the legal system because of differences between the traditional Native justice system and the modern justice system.

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1990 e 1991, e nel 1992, con la legge 107, si è voluto dare una serie di

Before the 1960's Native people had few recourses open to them in dealing with the justice system. It was rare to find a Native accused who did anything else but please guilty in order to either "get it over with" or because they thought it was expected of them. In Native culture, it is common for deference to be shown to those in authority, Elders, or their equivalent in non-Native society, judges and other members of the legal system. During the 1960's, however, changes began to occur. In keeping with the activist flavour of the times, the Native community began to search for means of handling these problems. Members of the legal system, particularly judges, were also searching for answers. The Native friendship centre movement began in this atmosphere in the mid 1960's. Friendship centre staff and other concerned Native community members began to appear in court as "Friends of the Accused". Frequently they did little but provide moral support, but, occasionally, they spoke to the court on the accused's behalf. The judges and Native accused quickly realized the usefulness of this additional information and the possibility of increasing justice that it represented. Requests increased to the point that, in 1970, the arrangement was formalized to create the first "Native Courtworker Program". It began in Alberta, as Native Counselling Services of Alberta and was funded by the Federal Department of Justice and the Alberta Solicitor General. Other provincial programs followed quickly (see chart).

Now, in 1983, there are only three provinces that do not have Native Courtworker programs although the Department of Justice is encouraging all three to develop programs as soon as possible.

In all provinces, courtworkers provide more or less the same services. For the client, they provide information about: the law,

how to get legal assistance, legal documents, options in the system, helping organizations, the meaning of legal terms and procedures and the rights and responsibilities of the accused. They also give support, assist the accused's family, get charges waived, and do follow-ups.

For criminal justice personnel, courtworkers provide services such as giving information on problems encountered by Native people (alcoholism, lack of education, etc.), assisting criminal justice system personnel with cultural misunderstandings, assisting with language difficulties, bringing up relevant information, suggesting appropriate sentencing alternatives, locating clients and witnesses, doing community inquiries, and increasing the knowledge of Native people about the workings of the system.

For the general community, courtworkers provide legal education in schools and through the media, provide information on Natives and the law, and assist in law reform and new program development.

Each province's Native courtworker program operates a little differently. Their organization programs and mandates differ depending on the mandates of the funder, the needs of the Native community, the history of the organization and the philosophy behind the program.

With the exception of the Haida Counselling and Legal Assistance Society, the funding for all courtworker programs is cost-shared between the Federal Department of Justice and the Provincial or Territorial government, usually through their Department of the Attorney General or Solicitor General.

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Next issue's column will begin the examination of Native Counselling Services of Alberta's programs and services. NCSA is the oldest and largest of the courtworker organizations.

NATIVE COURTWORKER
ORGANIZATION

Native Counselling
Services of Alberta

Native Courtworker
and Counselling
Association of B.C.
(mainland)

Haida Counselling
and Legal Assistance
Society

Native Courtworker
Services of Labrador
Society

Native Court Communicators of Manitoba

(New Brunswick)

N.W.T. Native Courtworkers Association
(Mackenzie District)

Maliiiganik Tukisiiniavik Society (Eastern
Arctic)

1969 '70 '71 '72 '73 '74 '75 '76 '77 '78 '79 '80 '81 '82 '83 '84

Micmac Court
workers Program
(Nova Scotia)

Native Court
Counselling Services
in Ontario

P.E.I. Courtworkers
Association

Services de Conseillers
Para-Judiciaires
dupres des Auchtones
du Quebec

Native Courtworker
Services of Sask.

Yukon Native
Courtworker Services

(planned) →

1969 '70 '71 '72 '73 '74 '75 '76 '77 '78 '79 '80 '81 '82 '83 '84

Next: Native Counselling Services of Alberta

- history
- growth
- staffing
- funding
- number of programs and brief description
- philosophy

DATE DUE

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Native Courtworker Programs in
Canada

Borrower's Name	Date Due
K Steiner	APR 12 '89
Karyn Mytrash	JAN 20 '89
RENEWAL	FEB 3 '89

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Native Courtworker Programs in
Canada

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